

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

JUANA HERNANDEZ, AS)
ADMINISTRATRIX OF THE)
ESTATE OF DANNY NICACIO)
and ARMANDO MAISONET,)
Plaintiffs)
)
v.)
)
SCOTTSDALE INSURANCE)
COMPANY and UTICA)
MUTUAL INSURANCE)
COMPANY,)
Defendants.)

CIVIL ACTION NO. 05-40141-FDS

**ASSENTED TO MOTION FOR EXTENSION OF TIME FOR DEFENDANTS' TO FILE
THEIR REPLY TO PLAINTIFFS' OPPOSITION TO DEFENDANTS' JOINT
MOTION TO DISMISS PURSUANT TO FED.R.CIV.P. 12(b)(6) OR STAY
ACTION IF NOT DISMISSED IN ITS ENTIRETY, AND REQUEST FOR REMAND**

Defendants Scottsdale Insurance Company ("Scottsdale") and Utica Mutual Insurance Company ("Utica") respectfully move for an extension of time to file their reply brief ("Reply") to *Plaintiffs' Opposition to Defendants' Joint Motion to Dismiss Pursuant to Fed.R.Civ.P. 12(b)(6) or Stay Action if Not Dismissed in its Entirety, and Request for Remand* ("Opposition") until November 18, 2005. Defendants need this additional time in order to address all of the issues raised by the Plaintiffs in their Opposition and to prepare their Reply brief. Plaintiffs have assented to this Motion.

Respectfully submitted,

Scottsdale Insurance Company,
By Its Attorneys,

Utica Mutual Insurance Company,
By Its Attorney,

/s/ Caryn L. Daum
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Dated: November 2, 2005

CERTIFICATE OF SERVICE

I, Caryn L. Daum, hereby certify that a true and accurate copy of the foregoing document was served by first-class mail, postage prepaid, on this 2nd day of November, 2005, upon:

Héctor E. Piñeiro, Esq.
Law Office of Héctor E. Piñeiro
807 Main Street
Worcester, MA 01610

/s/ Caryn L. Daum
Caryn L. Daum